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**PRIVATE OFFICE**

Private Bag X677, Pretoria 0001 • 175 Lunnon Street · Hillcrest Office Park, 0083

Tel: {012} 366 7108 · Fax: {012} 362 8918 • Tollfree: 0800 11 20 40

Ephraimk@pprotect.org

 Public Protector South Africa  @PublicProtector

**04 September 2023**

Dear Honourable President Ramaphosa,

**RE: IMMEDIATE RETURN TO OFFICE**

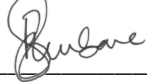
1. I refer to your letter dated 9 June 2022 in which you informed me of your decision to suspend me in terms of section 194(3)(a) which decision was duly recorded in the relevant Presidential Minute issued in terms of Section 101(1) of the Constitution.
2. The said Presidential Minute, a copy of which is annexed hereto marked “BM1” read as follows: -

“I hereby in terms of section 194(3)(a) of the Constitution of the Republic of South Africa 1996 (“the Constitution”), suspend Adv Busisiwe Mkhwebane from the office of the Public Protector pending the finalisation of the proceedings/inquiry initiated by the Committee of the National Assembly established in terms of section 194 of the Constitution. Adv Mkhwebane will continue to receive salary allowances and other benefits that are attached to the position of the Public Protector during the period of suspension.”
3. From the above and as confirmed by legal advice obtained at my request above, it is crystal clear that the period of the suspension expired upon the finalisation of the inquiry initiated by the section 194 Committee (“the Committee”). According to a letter received from the Chairperson of the Committee dated 24 August 2023 annexed hereto marked “BM2”, the enquiry was finalised on or about 28 August 2023 and upon the adoption of the final report of the Committee.
4. That there is unanimity among all the relevant state organs in the section 194 process further confirmed by the clear pronouncement made by the office of the State Attorney in a letter sent to me on 30 August 2023 that PPSA had

made the observation that “the proceedings before the Committee have been concluded”. A copy of the said letter is annexed as “BM3”.

5. The purpose of this letter is to inform you as the suspending authority in terms of the Constitution, and as a matter of courtesy and protocol, that I will accordingly be returning to my office on 5 September 2023 until the expiry of my term on 14 October 2023 or any lawful removal in terms of section 194 of the Constitution, whichever happens first.
6. In any event and as you may be aware I hold the firm view that the clearly rushed effort to remove me from office in spite of the fact that I will be left with less than 20 working days before the expiry of my term on 13 October 2023 is clearly driven by illegal, improper and motives of a political and personal nature other than any legitimate desire for accountability. This situation is further exacerbated by the inexplicable denial of my legal representation before the Committee which was more recently followed by last week’s premature termination of my attorneys’ mandate by PPSA despite the fact that I still hold the office of Public Protector. Should it become necessary these other related illegalities will be dealt with at a later stage and in the appropriate forum.
7. For ease of reference to this letter is also copied to the Speaker of the National Assembly and the Deputy Public Protector.
8. Kindly be so advised.

Yours faithfully,



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**Adv Busisiwe Mkhwebane**  
**The Public Protector of South Africa**

**CC1: Speaker of the National Assembly**

**CC2: Deputy Public Protector**